

RETAIL STORES

K.S.A. 65-6a31 (a)(2)

The provisions of this act shall not apply to any person operating a retail store or similar retail type business who prepares only inspected and passed carcasses, parts thereof, meat food products or poultry products for sale to consumers at retail in normal retail quantities; or prepares inspected carcasses, parts thereof, meat food products or poultry products, owned by the consumer and prepared for such consumer's consumption or the consumption of such consumer's household members, nonpaying guests and employees.

303.1(d)(1)

The requirements of the Act and the regulations in this subchapter for inspection of the preparation of products do not apply to operations of types traditionally and usually conducted at retail stores and restaurants, when conducted at any retail store or restaurant or similar retail-type establishment for sale in normal retail quantities or service of such articles to consumers at such establishments.

303.1(d)(2)(i)

Operations of types traditionally and usually conducted at retail stores and restaurants are the following:

- (a) Cutting up, slicing, and trimming carcasses, halves, quarters, or wholesale cuts into retail cuts such as steaks, chops, and roasts, and freezing such cuts;
- (b) Grinding and freezing products made from meat;
- (c) Curing, cooking, smoking, rendering or refining of livestock fat, or other preparation of products, except slaughtering or the retort processing of canned products;
- (d) Breaking bulk shipments of products;
- (e) Wrapping or rewrapping products.

303.1(d)(2)(ii)

Any quantity or product purchased by a consumer from a particular retail supplier shall be deemed to be a normal retail quantity if the quantity so purchased does not in the aggregate exceed one-half carcass. The following amounts of product will be accepted as representing one-half carcass of the species identified:

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| Cattle | 300 lbs |
| Calves | 37.5 lbs |
| Sheep | 27.5 lbs |
| Swine | 100 lbs |
| Goat | 25 lbs |

303.1(d)(2)(iii)

A retail store is any place of business where:

- (a) The sales of product are made to consumers only;

- (b) At least 75 percent, in terms of dollar value, of total sales of product represents sales to household consumers and the total dollar value of sales of product to consumers other than household consumers does not exceed \$33,000 per calendar year.
- (c) Only federally or State inspected and passed product is handled or used in the preparation of any product;
- (d) No sale of product is made in excess of normal retail quantities;
- (e) The preparation of products for sale to household consumers is limited to traditional and usual operations as defined in paragraph (d)(2)(i) of this section;
- (f) The preparation of products for sale to other than household consumers is limited to traditional and usual operations as defined in paragraph (d)(2)(i) *(a) Cutting up, slicing ... freezing, (b) Grinding and freezing, (d) Breaking bulk shipments, and (e) Wrapping or rewinding* of this section.

Note: Curing, cooking, smoking, rendering or other preparation (manufacture of multi-ingredient products) is not allowed.

303.1(d)(2)(iv)

A restaurant is any establishment where product is prepared only for sale or service in meals, or as entrees, directly to individual consumers at such establishments; only federally or State inspected and passed product or such product prepared at a retail store exempted under paragraph (d)(2)(iii) of this section is handled or used in the preparation of any product; no sale of product is made in excess of a normal retail quantity as defined in paragraph (d)(2)(ii) of this section; and the preparation of product is limited to traditional and usual operations as defined in paragraph (d)(2)(i) of this section. This definition includes a caterer which delivers or serves product in meals, or as entrees, only to individual consumers and otherwise meets the requirements of this paragraph.

303.1(d)(2)(v)

Similar retail-type establishment: Any establishment which is a combination retail store and restaurant; any delicatessen which meets the requirements for a retail store or restaurant as prescribed in paragraphs (d)(2)(iii) or (iv) of this section; or other establishment as determined by the Administrator in specific cases.

303.1(d)(2)(vi)

Consumer: Any household consumer, hotel, restaurant, or similar institution as determined by the Administrator in specific cases.

303.1(f)

The adulteration and misbranding provisions of the Act and the regulations in this subchapter, other than the requirement of the official inspection legend, apply to articles which are exempted from inspection or not required to be inspected under this section. This includes the requirement that any pork and any product containing pork be prepared only in compliance with any applicable requirement for the destruction of trichina as provided in § 318.10 of this subchapter.

303.1(g)

The Administrator may extend the requirements of titles I and IV of the Act to any establishment if he determines that it is producing adulterated products which would clearly endanger the public health.